

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

MARCH 1, 2017

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR & CLOSED SESSION MEETINGS - 6:00 P.M.

REGULAR MEETING CALL TO ORDER

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present: West, Patton
Councilmembers absent: Spriggs
Mayor present: Dedina
Mayor Pro Tem present: Bragg
Staff present: City Manager Hall, City Attorney Lyon, City Clerk Kelly, Assistant
City Manager Dush, Public Works Director Levien, Assistant
Public Works Director Helmer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Specialist Vicente Pillado III, U.S. Army.

AGENDA CHANGES

City Manager Hall recommended calling the Special Meeting to order and having a motion to suspend the agenda with the authority of the Mayor to move items around.

Mayor Dedina called the Special Meeting to order at 6:02 p.m.

**MOTION BY BRAGG, SECOND BY WEST, TO SUSPEND THE AGENDA WITH THE
AUTHORITY OF THE MAYOR TO MOVE ITEMS AROUND AS NEEDED. MOTION CARRIED
BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS**

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY

ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Patton reported on his attendance at the South County Economic Development Council meeting, the Sweetwater Union High School's State of the District, the Historical Society's Sweethearts Open House, and the Mayor's State of the City.

Councilmember West reported on his attendance at the Naval Helicopter Association meeting and the U.S. Army Semiannual Community Youth Partnership Luncheon. He spoke about participating in an EDCO recycling tour and having discussions with I Love a Clean San Diego and SDG&E about the Imperial Beach Clean City Initiative. He announced the upcoming South Bay Union School District Champions event.

Mayor Pro Tem Bragg reported on her attendance at the Historical Society's Sweethearts Open House and she was sworn-in as the primary representative on the LOSSAN Rail Corridor Agency for MTS.

Mayor Dedina thanked City Council and City staff for participating in the State of the City, he announced some ribbon cuttings would be taking place in the near future, and he recognized City Council and City staff for a transparent, fair and equitable interview process for board/committee applicants. He acknowledged the City Council, City staff and members of the community for being a strong team on addressing environmental issues.

COMMUNICATIONS FROM CITY STAFF

Public Works Director Levien introduced Garth Larson, the new Grounds & Facilities Supervisor.

Mayor Dedina announced he was selected as the Chairperson for the SANDAG Borders Committee and he announced an upcoming fieldtrip of the SANDAG Shoreline Preservation Committee to the North County where they will view some wildlands restoration projects as well as some beach erosion management efforts.

PUBLIC COMMENT

Adonia Torres expressed concern about cars speeding on her street and noted that she submitted a complaint regarding the matter and did not receive a response. She also expressed concern about an unpaved alley that residents of a nearby apartment building use as their dump. She was hopeful for future beautification projects along 13th Street.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.5)

Mayor Dedina announced revised Minutes for the February 22, 2017 Special Meeting was submitted as last minute agenda information.

Mayor Pro Tem Bragg announced a correction to the February 6, 2017 Special Meeting stating she attended that meeting.

MOTION BY PATTON, SECOND BY WEST, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.5. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

2.1 MINUTES.

City Council approved the revised Special Meeting Minutes of February 6, 2017 and the revised Special Meeting Minutes of February 22, 2017.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Council ratified the warrant register.

2.3 RECEIVE DECEMBER 2016 TREASURER'S REPORT. (0300-90)

City Council received the monthly Treasurer's report.

2.4 RESOLUTION 2017-7774 CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY. (0660-55)

City Council adopted Resolution No. 2017-7774.

2.5 APPOINTMENTS TO THE DESIGN REVIEW BOARD, PARKS AND RECREATION COMMITTEE AND TIDELANDS ADVISORY COMMITTEE. (0120-30, 0120-80 & 0120-90)

Mayor Dedina sought advice and consent to make the following appointments:

- a. Miguel Beltran and Darnisha Hunter to the Design Review Board for terms expiring on December 31, 2020 in accordance with I.B.M.C. 2.31.050;
- b. Tracey Rivera by a four-fifths vote as a non-resident member to the Parks and Recreation Committee for a term expiring on December 31, 2019 in accordance with I.B.M.C. 2.32.030; and
- c. Reappointment of the following members who have not served full terms:
 - i. Design Review Board: Peter Smith for a term expiring 12/31/20;
 - ii. Tidelands Advisory Committee: Veronica Archer and Joseph Ellis for terms expiring 12/31/20; and
 - iii. Parks and Recreation: Tim O'Neal, Lori Stucki, and Robin Klosinski for terms expiring 12/31/20.

ORDINANCES/PUBLIC HEARINGS – (3.1-3.2)

3.1 PUBLIC HEARING TO CONSIDER AN ORDINANCE TO EXTEND INTERIM URGENCY ORDINANCE NO. 2017-1160 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858 IMPOSING A TEMPORARY MORATORIUM ON COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITIES IN THE CITY OF IMPERIAL BEACH IN LIGHT OF THE PASSAGE OF PROPOSITION 64. (0610-95)

Mayor Dedina declared the public hearing open.

Assistant City Manager Dush gave a PowerPoint presentation on the item.

City Clerk Kelly announced no speaker slips were submitted.

Councilmember West suggested holding more than one public meeting.

Assistant City Manager Dush suggested that the City Council form an Ad Hoc Marijuana Committee to determine the process and to provide a recommendation to City Council.

City Attorney Lyon reviewed how the County of San Diego and the City of San Diego are planning to regulate marijuana. She commented on a process by which the ad hoc committee could follow to address the matter during the time period of the moratorium.

Mayor Pro Tem Bragg reiterated her concerns mentioned at the previous City Council meeting noting that she wants staff to address such issues as security, lighting, graffiti removal, and whether the Coastal Commission would weigh-in on coastal cities decisions on this matter.

Mayor Dedina suggested staff monitor what is happening in the City of San Diego along Palm Ave.

Mayor Pro Tem Bragg and Councilmember West offered to serve on the Ad Hoc Marijuana Committee.

Without dissent from City Council, Mayor Dedina closed the public hearing.

City Clerk Kelly read the title of Ordinance No. 2017-1162 an Ordinance to extend Interim Urgency Ordinance No 2017-1160 of the City Council of the City of Imperial Beach, California pursuant to Government Code section 65858 imposing a temporary moratorium on commercial non-medical marijuana activities in the City of Imperial Beach in light of the passage of Proposition 64.

MOTION BY WEST, SECOND BRAGG, TO WAIVE FURTHER READING IN FULL AND ADOPT ORDINANCE 2017-1162 AN ORDINANCE TO EXTEND INTERIM URGENCY ORDINANCE NO. 2017-1160 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858 IMPOSING A TEMPORARY MORATORIUM ON COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITIES IN THE CITY OF IMPERIAL BEACH IN LIGHT OF THE PASSAGE OF PROPOSITION 64. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS

MOTION BY BRAGG, SECOND BY WEST, TO ADOPT THE RECOMMENDATIONS BY STAFF ON THE STRUCTURE OF THE AD HOC COMMITTEE (MAYOR PRO TEM BRAGG AND COUNCILMEMBER WEST). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS

3.2 PUBLIC HEARING/INTRODUCTION - FIRST READING: RESOLUTION NO. 2017-7775, LOCAL COASTAL PROGRAM AMENDMENT (LCPA)/GENERAL PLAN AMENDMENT (GPA) AND PROPOSED ZONING CODE AMENDMENTS (ORDINANCE NO. 2017-1161) THAT AFFECTS COMMERCIAL POLICIES AND CORRECTS AN OMISSION AFFECTING THE COMMERCIAL/ RECREATION-ECOTOURISM (C/R-ET) DESIGNATION IN THE LAND USE ELEMENT. MF 935. (0610-95)

Mayor Dedina declared the public hearing open.

Assistant City Manager Dush gave a PowerPoint presentation on the item and announced the following were submitted as Last Minute Agenda Information:

- a. Revised Resolution No. 2017-7775.
- b. Correspondence in support of the item:
 - i. Email from Sandra Brillhart, dated 02/28/17;
 - ii. Email message from Patricia McCoy, dated 02/28/17; and
 - iii. Correspondence in support of the item from Ted and Mayda Winter, dated 3/1/17.

Diane Rose, former Mayor of Imperial Beach, thanked the subcommittee and staff for their work on this matter. She reported that when she was on City Council, the purpose of the new commercial zoning was to streamline development, make it easier for mixed-use development and encourage commercial enterprise in the Seacoast and Highway 75 areas. During the process, it was discovered that mixed-use was limited to one-story of residential above the commercial use. So in order to incentivize development in the mixed-use area, a menu of items was offered to developers under the conditional use process to get 2-stories of residential above the commercial use. She further explained that during the application process a 100% residential project could apply under the conditional use process and get the additional height. She stressed that this was never the intention of the City Council at that time. She spoke in support of the recommendations by staff and the ad hoc committee.

Ruth Cole spoke in support of the resolution and she appreciated the hard work of City staff, Diane Rose, Michael Carey and the ad hoc committee.

Michael Carey appreciated the hard work of City staff, Council and the community. He commented on two projects that are both 100% residential with no setbacks, no step backs and no commercial which inspired the work to amend the zoning (additional speaking time donated by Pace Putland and Liesl Gercke).

Councilmember Patton, a member of the ad hoc committee, spoke about the process it took to get to this point and looked forward to addressing phase 2.

Assistant City Manager Dush stated that Phase 2 will be addressed after the City receives the findings from the Sea Level Rise Study. He also mentioned the upcoming Local Coastal Plan and General Plan update which will be a comprehensive look at the community.

Mayor Pro Tem Bragg thanked the ad hoc committee for their efforts and supported the recommendations. She expressed concern about the deletion of the conditional use permit (CUP). She suggested that in moving forward with Phase 2, staff explore when a CUP can be used especially with good design.

Councilmember West agreed with Mayor Pro Tem Bragg's comments regarding CUPs which can be an effective tool for good projects.

Mayor Dedina commented on making sure everybody has equal access to infrastructure in all parts of the City and not just the beachfront.

There was no further public comment and the public hearing was closed.

City Clerk Kelly read the title of Ordinance No. 2017-1161 an Ordinance of the City Council of the City of Imperial Beach Amending Title 19 (Zoning) of the Imperial Beach Municipal Code by Amending Chapters 19.26 (C/MU-1 General Commercial and Mixed-Use Zone), 19.27 (C/MU-2 Seacoast Commercial and Mixed-Use Zone), and 19.28 (C/MU-3 Neighborhood Commercial and Mixed-Use Zone) and Certifying that Proposed Zoning Amendment is Consistent with the Coastal Act. MF 935.

MOTION BY PATTON, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7775 APPROVING THE PROPOSED GENERAL PLAN/LOCAL COAST PROGRAM AMENDMENT (GPA/LCPA) AND THE EIR ADDENDUM, FINDING AND CERTIFYING THAT THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COASTAL ACT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS

MOTION BY PATTON, SECOND BY WEST, TO WAIVE FURTHER READING OF ORDINANCE NO. 2017-1161 IN FULL AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS

PUBLIC HEARINGS (4)

See Ordinance Section 3, above.

REPORTS (5.1)

5.1 RESOLUTION NO. 2017-7776 AWARDED PUBLIC WORKS CONTRACT TO WIT: SEWER PUMP STATIONS 4 & 6 REHABILITATION (W15-103). (0830-35)

Public Works Director Levien gave a PowerPoint presentation on the item and responded to questions by City Council.

**MOTION BY WEST, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2017-7776
AWARDING PUBLIC WORKS CONTRACT TO WIT: SEWER PUMP STATIONS 4 & 6
REHABILITATION (W15-103). MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES: COUNCILMEMBERS: PATTON, WEST, BRAGG, DEDINA

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURN REGULAR MEETING

Mayor Dedina adjourned the Regular Meeting at 7:21 p.m.

CLOSED SESSION MEETING CALL TO ORDER

Mayor Dedina called the Closed Session Meeting to order at 7:21 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: West, Patton

Councilmembers absent: Spriggs

Mayor present: Dedina

Mayor Pro Tem present: Bragg

Staff present: City Manager Hall, City Attorney Lyon

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: APN: 625-241-02-00

Agency Negotiator: City Manager, City Attorney

Negotiating Party: Sawhney Family LTD Partnership

Under Negotiation: Price and terms of payment

Mayor Dedina adjourned the Closed Session meeting at 7:22 p.m. and he reconvened to Open Session at 7:45 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Closed Session Item No. 1, City Council gave direction and no reportable action was taken.

ADJOURN CLOSED SESSION

Mayor Dedina adjourned the Closed Session Meeting at 7:46 p.m.

_____/s/
Serge Dedina,
Mayor

_____/s/
Jacqueline M. Kelly, MMC
City Clerk